



INFORMATION REPORT ON

State Legislation

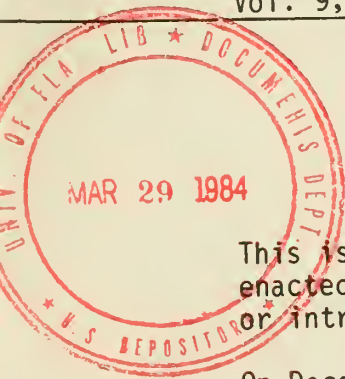
 OFFICE OF STATE PROGRAMS
 U. S. NUCLEAR REGULATORY COMMISSION

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SPECIAL EDITION

1983 ANNUAL SUMMARY



This issue of the Report summarizes all nuclear-related State legislation enacted into law in 1983. The next issue will cover legislation prefiled or introduced into the 1984 legislative sessions.

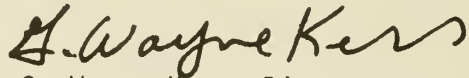
On December 6 and 7, 1983, the Office of State Programs hosted a National State Liaison Officer's (SLO) meeting at the Commissioners' Conference Room, 1717 "H" Street, Washington, D.C. The SLO's are appointed by the Governors of each of the fifty States and Puerto Rico to provide a communications channel between the States and the NRC. Topics of discussion included: reactor regulation, source term evaluation, recent court decisions impacting nuclear regulation, waste management and emergency preparedness. The meeting was open to the public for attendance and observation.

Throughout the year, NRC has responded to low-level waste compact groups with comments and reviews of their compact language when requested. NRC also participated in a national symposium on low-level waste compacts and provided Congressional testimony on the Northwest, Southeast, and Central Compacts. Following Congressional consent to these compacts and the Rocky Mountain Compact, which has also been submitted to Congress, two more important areas must be successfully resolved in the next few years. The first is the negotiation of interregional agreements between those regions with sites and those without sites for the interim disposal of waste after the cutoff date of January 1986, which is allowed under the Low-Level Radioactive Waste Policy Act. The second is the submission to Congress of the Midwest and Northeast Compacts. The Central, the Southeast and the Rocky Mountain Compacts were submitted in 1983. The Northwest was originally submitted in 1982 but resubmitted to the 98th Congress in 1983.

State Programs has issued NUREG-1015, entitled "State Surveillance of Radioactive Material Transportation, A Final Report," regarding a 1983 analysis conducted of the joint NRC/U.S. Department of Transportation (DOT) program to monitor the transport of radioactive material through and within the States during the period 1973-1982. The main objective of the analysis is to suggest the most cost-effective inspection areas where enforcement actions might be taken by the States during their

participation in the State Hazardous Materials Enforcement (SHMED) Program of DOT. For information on obtaining a copy of the NUREG, please contact this office.

In the high-level waste area, discussions are continuing among NRC and the States concerning possible changes to Subpart C, Part 60 in light of provisions in the 1982 Nuclear Waste Policy Act. We will continue to report any significant progress.

A handwritten signature in dark ink, appearing to read "G. Wayne Kerr". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

G. Wayne Kerr, Director
Office of State Programs

Prepared by:
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Office of State Programs
492-9880

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*Bill appears in more than one category

Alabama

Southeast Low-Level Radioactive Waste Compact, H-142. Enters the State as a party to the Compact and enacts it into law. Eligible States: AL, FL, GA, MS, NC, SC, TN, VA. (Enacted 7/18/83)

Alaska

Northwest Interstate Compact on Low-Level Radioactive Waste, S-233. Enters the State as a party to the Compact and enacts it into law. Eligible States: AK, HI, ID, MT, OR, UT, WA. (Enacted 7/1/83.)

Arkansas

Central Interstate Low-Level Waste Compact, S-7. Enacts the Compact into law and enters the State as a party. Eligible States: AR, IA, KS, LA, MN, MO, NE, ND, OK. (Enacted 2/1/83.)

Additional Registration Requirements for Harmless Radiation, S-36. Would add some new and expanding definitions requiring additional registrations, authorizing the Agency to exempt certain sources of common and harmless radiation, requiring compliance with Agency regulations regarding disposal, and other changes due to increased usage. (Enacted 2/3/83.)

Appropriations for Emergency Services, H-468. Provides appropriations for two years for the Emergency Services Office and for Training and Nuclear Civil Preparedness. Provides for an annual allotment of \$5,500,000 for the Emergency Services Office from the Disaster Relief Federal Fund. (Enacted 2/16/83.)

Nuclear Planning and Response Program, H-507. Establishes the Nuclear Planning and Response Program Advisory Commission. (Enacted 3/19/83.)

Costs for Nuclear Preparedness, H-732. Establishes a grants program to offset the cost of nuclear preparedness incurred by local governments located within close proximity to nuclear powered electricity generating facilities in the State. Prescribes the grant requirements and makes an appropriation to the Department of Health as the administering and disbursing agency. (Enacted 3/18/83.)

California

Ocean Dumping of Radioactive Waste, A-138. Requires the Department of Health to use all means available to prevent the dumping of radioactive waste in the Ocean. (Enacted 9/19/83.)

Low-Level Radioactive Waste Disposal, S-342. Requires the State Department of Health Services to develop a plan for management of low-level radioactive waste by December 31, 1983. Directs the Department to require licensees to follow Federal regulations for disposal of low-level waste. Also requires the Department to enter into an agreement or compact with other States for access to their disposal facilities until such a facility is located in the State. Deletes the

requirement that the legislature enact enabling statutory provisions authorizing the Department to establish interim storage facilities. (Enacted 9/28/83.)

Ocean Dumping of Radioactive Waste, S-444. Requires the State Department of Health Services to cooperate with any Federal agency that conducts monitoring of marine life or ocean waters at radioactive waste dump sites off the State coasts. Requires that, at least once every six months, seafood taken in the vicinity of the Farallon Islands dump site be monitored. Establishes a Scientific Advisory Committee on ocean dumping and requires that the Department report annually to the Legislature on findings from the above studies. (Enacted 9/28/83.)

Materials Transportation, A-1553. Requires a carrier of hazardous radioactive materials to provide advanced notice of the transfer of these materials to the California Highway Patrol, who would in turn be required to notify the fire chief of the city and county fire departments. (Enacted 9/26/83.)

Drivers of Radioactive Waste Shipments, A-1675. Requires the Department of Motor Vehicles to develop a notification process to notify employers of drivers of radioactive materials of the convictions and accidents of the drivers. Requires drivers hauling specified shipments to possess a radioactive materials driver's certificate. (Enacted 9/19/83.)

Colorado

Radiation Control, S-46. Establishes the Radioactive Materials Control Fund for the deposit of fees collected by the Department of Health for radiation control services. Provides that money credited to such fund be appropriated to the Department of Health for radiation control services. (Enacted 5/25/83.)

Radiation Control, H-1148. Provides civil penalties for certain violations of radiation control. Defines the criteria upon which any penalties will be based. Specifies the procedures to be followed in notifying a violator of the imposition of such a civil penalty. Provides for a response and review of orders of the Department of Health. Permits the Attorney General to file a civil suit to collect any penalty. (Enacted 6/1/83.)

Connecticut

Power Plant Decommissioning Funds, S-396. Requires each licensee of a nuclear power plant to submit a decommissioning financing plan for the facility to the Department of Public Utility Control no later than June 1, 1984. The plan will include information on: closure, decommissioning costs, shares attributed to each owner, plans for funding decommissioning, and plans for periodic review of the plan itself. Describes procedures for hearings and approval of the plan. (Enacted 6/15/83.)

Millstone 3 H-5237. Encourages domestic electric companies owning portions of Millstone 3 to hold down the plant's construction costs by

requiring the companies' shareholders to absorb any such costs in excess of the \$3.54 billion cost estimate for the plant provided by Northeast Utilities to the Department of Public Utility Control during its 1982 rate case. (Enacted 5/18/83.)

Construction Work in Progress, H-5238. Prohibits the Department of Public Utility Control from allowing electric companies to charge ratepayers for construction work in progress. (Enacted 5/26/83.)

Northeast Interstate Low-Level Radioactive Waste Compact, H-8027. Enacts the Compact into law and enters the State as a party. Eligible States: CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT. (Enacted 7/25/83.)

Delaware

Northeast Low-Level Radioactive Waste Compact, S-268. Enters the State as a party to the Compact and enacts it into law. (Enacted 7/11/83.)

Florida

Southeast Interstate Low-Level Radioactive Waste Compact, H-1149. Enters the State as a party to the Compact and enacts it into law. (Enacted 6/24/83.)

Georgia

Nuclear Pharmacists, S-184. Amends regulations for licensure of nuclear pharmacists; lists regulations for administration of nuclear pharmacies; establishes minimal radiopharmaceutical equipment requirements. (Enacted 7/11/83.)

Indiana

Midwest Interstate Low-Level Radioactive Waste Compact, S-68. Enacts the Compact into law and enters the State as a party. Eligible States: IL, IN, IA, KY, MI, MN, MO, ND, OH, SD, WV, WI. (Enacted 4/11/83.)

Copies of X-rays, H-1151. Requires health care providers to provide to a patient upon written request access to or a copy of, the patient's x-ray film at the same cost as to the health care provider. (Enacted 4/5/83.)

Iowa

Midwest Interstate Low-Level Radioactive Waste Compact, S-195. Enacts the Compact into law and enters the State as a party. (Enacted 3/14/83.)

Maine

Emergency Planning Fund, LD-575. Allocates \$50,000 from the Maine Nuclear Emergency Planning Fund for the fiscal years ending June 30, 1984 and June 30, 1985. (Enacted 5/17/83.)

Low-Level Waste Siting Fund, LD-663. Levies a service fee of \$10 per cubic foot on all low-level radioactive waste generated in the State and shipped to a commercial disposal facility. Only applies to waste generated and shipped on or before December 31, 1985. Revenues established will be credited to the Low-Level Waste Siting Fund. (Enacted 3/30/83.)

Radiation Control, LD-1195. Revises and updates the statutes regarding radiation control, based on model legislation drafted by the Council of State Governments. (Enacted 5/25/83.)

Safety Incidents, LD-1484. Requires the operator of a nuclear power plant in the State to file an annual report on 1) any safety-related incidents at that nuclear power plant reported to the NRC during the previous calendar year, including a statement of the cause, its effects, corrective measures and the costs; 2) unresolved safety issues as defined by the NRC and the status of resolution and implementation of those unresolved issues; and 3) unresolved safety issues which have been converted to regulation by the NRC for implementation at that plant together with the best available estimates of the cost and time required for that implementation. The report may also include any other safety-related problems judged by the operator to be significant. The report will be made to the Public Utilities Commission with a copy sent to the Bureau of Civil Emergency Preparedness and other State agencies.

Power Plant Construction, LD-1537. Prohibits the construction of any nuclear power plant within the State without approval of the voters in a State-wide election. No certificate of public convenience and necessity will be effective without approval by the voters. (Enacted 6/30/83.)

Emergency Planning, LD-1598. Adds public members to the State's Radiological Emergency Preparedness Committee and requires that all meetings of this oversight committee be open to the public with specific requirements for advance notice of these meetings. This committee will be required to make certain reports to the Governor and to the Legislative Oversight Committee. Finally, the emergency planning area is identified to include 1) an emergency planning zone, and 2) an ingestion pathway zone which are also defined. (Enacted 6/17/83.)

Nuclear Activity Consent Law, LD-1631. After July 1, 1982, prohibits any nuclear power plant from storing spent fuel removed from the reactor core three years previously. Prohibits any State agency from accepting any funds related to siting high-level radioactive waste repositories until certain conditions are fulfilled. Details plan provisions, exploration requirements, impact studies. Establishes provisions for the management of low-level waste and allows the Governor to negotiate regional compacts with other States. (Enacted 6/3/83.)

Low-Level Waste Facilities, LD-1738. Places certain requirements on proposed low-level waste disposal and storage facilities; describes environmental, social and economic requirements, municipal participation, judicial review and legislative approval. (Enacted 6/27/83.)

Development Sites, LD-1772. Provides a practical means by which the State may control the location of major new developments so they have a minimal adverse impact on the environment. (Enacted 6/28/83.)

Maryland

Surcharge on Electricity, H-477. Continues the Environmental Surcharge on certain electrical energy generated in this State until a certain date in order to provide funding for the Power Plant Siting and Research Program. (Enacted 5/10/83.)

Northeast Interstate Low-Level Radioactive Waste Compact, H-1541, S-877. Enacts the Compact into law and enters the State as a party. (Enacted 5/31/83.)

Massachusetts

Low-Level Waste, S-1891. Extends the time within which the State's special legislative commission, established to make an investigation and study the State's needs relative to low-level radioactive waste, must make its final report. The report is now due in January 1985. It also expands the number of members of the committee. (Enacted 5/25/83.)

Michigan

Midwest Low-Level Waste Compact, H-5600. Enacts the Midwest Compact into law and enters the State as a party. (Enacted 12/30/83.)

Minnesota

High-Level Waste, EXECUTIVE ORDER. Establishes a task force on high-level radioactive waste. This task force is to advise the Minnesota Environmental Quality Board, the Governor and the Legislature on policy issues (including geologic disposal) related to the management of high-level radioactive waste. The Environmental Quality Board will coordinate the State's response to studies, proposed rules, findings or other actions taken by the Federal government in its pursuit of a national high-level radioactive waste repository.

Midwest Low-Level Waste Compact, SF-511. Enacts the Midwest Interstate Low-Level Radioactive Waste Compact and enters the State as a party. (Enacted 6/14/83.)

Emergency Planning, SF-1233. Approves an increased annual assessment against utilities for nuclear power plant emergency preparedness. The assessment is now \$100,000 per plant, up from the previous amount of \$75,000 per plant. (Enacted 6/7/83.)

Mississippi

Southeast Interstate Low-Level Radioactive Waste Compact, H-206. Amends the Compact to terminate use of the Barnwell, South Carolina disposal site by December 31, 1992; ensure that a second disposal facility is licensed and ready to operate by 1991; and authorize the Compact Commission to ban export of waste from the region after January 1, 1986. (Enacted 3/21/83.)

High-Level Waste, H-823. Conforms State law on nuclear waste storage and disposal to the recently enacted Federal law entitled, "Nuclear Waste Policy Act of 1982." In doing so, it 1) enumerates items to be included in a formal environment assessment regarding permits to conduct site characterization studies; 2) authorizes executive action by the Governor should the Legislature fail to pass a resolution authorizing the initiation of additional phases of site characterization; 3) enumerates procedures to be specified in any agreement negotiated by the State's Energy and Transportation Board with the Federal Department of Energy; 4) reduces the amount of time within which notice of a public hearing must be given from 3 to 10 days; provides for a notice of disapproval by the Governor or Legislature objecting to a site-recommendation; and 6) limits certain notifications regarding the disposal of radioactive waste. (Enacted 4/14/83.)

Montana

Northwest Interstate Low-Level Radioactive Waste Compact, H-203. Enacts the Compact into law and enters the State as a party. Eligible States: AK, HI, ID, MT, OR, UT, WY and WA. (Enacted 3/28/83.)

Radioactive Materials, H-862. Gives the State Department of Health and Environmental Sciences the discretion to adopt and enforce rules for general or specific licensing of persons to receive, possess or transfer radioactive materials and devices utilizing these materials when legislative appropriations make program implementation possible. (Enacted: 4/18/83.)

Nebraska

Central Interstate Low-Level Radioactive Waste Compact, LB-200. Enacts the Compact into law and enters the State as a party. (Enacted 5/17/83.)

Nevada

Radioactive Waste Disposal, S-41. All money received by the Department of Human Resources relating to fees or civil penalties from waste disposal activities on any land must be deposited with the State Treasurer in a separate account in the trust fund for the care of radioactive waste disposal sites. (Enacted 4/5/83.)

Rocky Mountain Low-Level Radioactive Waste Compact, S-184. Enacts the Compact into law and enters the State as a party. Eligible States: AZ, CO, NV, NM, UT and WY. (Enacted 5/24/83.)

New Hampshire

Seabrook, H-312. Requires a "worst case" consequence analysis study to be prepared as part of a risk-analysis study being conducted by the Public Service Company of New Hampshire, based on the nuclear plant designed and constructed specifically for the Seabrook site. "Worst case" consequences are defined as those that result from a core melt accident in which all installed safety equipment fails and the reactor

containment structure is breached directly to the atmosphere. An oversight committee will be appointed to monitor the work of the Public Service Company's consultants doing the risk and consequence analysis study and to provide assistance to the Public Service Company. The make-up of this oversight committee is detailed in the legislation. (Enacted 6/16/83.)

Reporting Requirements, H-734. Requires each licensee of a nuclear power plant to comply with the reporting requirements for significant events contained in the NRC regulations. Penalties for violations are provided. (Enacted 6/30/83.)

New Jersey

Transportation and Storage of Radioactive Materials, A-218. Prohibits any quantity of certain radioactive materials, other than those used for radiopharmaceuticals, to be transported or temporarily stored in counties with a populations exceeding 1,000 persons per square mile. Certificates of Handling may be issued on a case-by-case basis in certain instances. (Enacted 9/22/83.)

Cost Recovery, A-717 prohibits a utility from recovering from its ratepayers any costs related to repairs, decontamination, power replacement or damage resulting from an accident at a nuclear power plant if the Board of Public Utilities determines that the utility was at fault. (Enacted 3/11/83.)

Transportation, A-894. A 1982 bill which makes certain provisions for handling and transport of certain types and quantities of radioactive material. (Enacted 3/14/83.)

Northeast Interstate Low-Level Radioactive Waste Compact, A-3256. Enacts the Compact into law and enters the State as a party. (Enacted 9/1/83.)

Power Plant Siting, S-975. Amends existing law to describe the process of applying for a certificate of need to build a nuclear power plant in the State. Describes environmental assessments to be made, public hearings, and publication of interim reports on the progress of the analysis of the proposed facility. (Enacted 3/30/83.)

New Mexico

Waste Committee, S-12. Changes the name of the Radioactive Waste Consultation Committee to the Radioactive Materials Committee. (Enacted 3/15/83.)

Tax on Uranium, S-32. Reduces the severance tax on uranium in various categories. (Enacted 4/6/83.)

Rocky Mountain Interstate Low-Level Radioactive Waste Compact, H-46. Enacts the Compact into law and enters the State as a party. (Enacted 3/15/83.)

New York

Uranium Mining, S-3639. Prohibits uranium mining for ten years. (Enacted 6/27/83.)

Low-Level Waste Disposal, A-7299A. Establishes an advisory commission on low-level radioactive waste disposal within the State Energy Research and Development Authority. The duties and authorities of the 13-member commission are provided in the legislation. (Enacted 8/8/83.)

Siting of Steam Electric Generating Facilities, A-5074. Extends until January 1, 1989 the effectiveness of article eight of the Public Service Law relating to the expeditious siting of major steam electric generating facilities. (Enacted 7/27/83.)

North Carolina

Southeast Interstate Low-Level Radioactive Waste Compact, S-196. Enacts the Compact into law and enters the State as a party. (Enacted 7/11/83.)

Southern States Energy Compact, S-253. Amends the statute which enters the State as a party to the Southern States Energy Compact. The statute creates the Southern States Energy Board with the power to:

- Analyze the South's position on energy and environmental concerns;
- encourage development and conservation of energy facilities;
- collect and disseminate information on energy materials and products;
- conduct training for State and local personnel.

Details administrative regulations. (Enacted 5/6/83.)

Emergency Planning, S-307. Extends the annual assessment of \$30,000 for radiological emergency planning to fixed nuclear facilities that have a plume exposure pathway emergency planning zone that extends into the State. This fee was originally assessed only against fixed nuclear facilities located in the State. (Enacted 6/27/83.)

Uranium Exploration, H-674. Establishes regulatory controls over the exploration of uranium in the State. Procedures for obtaining a permit as well as terms of a permit are included. (Enacted 5/6/83.)

Oklahoma

Central Interstate Low-Level Waste Compact, S-80. Enacts the Central Interstate Low-Level Radioactive Waste Compact into law and enters the State as a party. (Enacted 4/18/83.)

South Carolina

Spent Fuel, H-2039. Prohibits the commercial processing, reprocessing or storage of any spent nuclear or high-level radioactive waste generated in a foreign country. This will not apply, however, if these activities are funded by the Federal government. Penalties for violations are included. (Enacted 3/14/83.)

Southeast Interstate Low-Level Radioactive Waste Compact, H-1132. Enacts the Compact into law and enters the State as a party. (Enacted 5/26/83.)

Texas

Drilling Shafts, S-1018. Requires permits for certain drilled or mined shafts, giving the Railroad Commission of Texas, the Texas Department of Water Resources, the Texas Water Commission and the Texas Water Development Board certain powers and duties related to these permits or procedures for inspecting these shafts. Local governments are also granted certain authorities and enforcement powers. Procedures for enforcement and civil and criminal penalties for violations are provided. (Enacted 5/18/83.)

Utah

Taxation of Uranium, H-426. Provides for changes in the procedures for payment and collection of severance taxes for uranium and other minerals. Requires an occupation tax for minerals shipped outside of the State. (Enacted 3/10/83.)

Vermont

Power Plant Construction, H-249. Prohibits construction of any electric generation facility in the State unless the Public Service Board approves it. Describes requirements for public hearings. (Enacted 4/21/83.)

Virginia

Southeast Interstate Low-Level Waste Compact, S-122. Repeals the Southeast Compact enacted in 1982 and enacts a revised version. The new bill terminates use of the Barnwell, South Carolina disposal site by December 31, 1992; ensures that a second disposal site is licensed and ready to operate by 1991; and authorizes the Compact Commission to ban export of waste from the region after January 1, 1986. (Enacted 3/16/83.)

Uranium Mining, S-155. Establishes the Uranium Administrative Group to analyze the costs and benefits of permitting uranium development at specific sites in the State. Extends the current moratorium on issuance of permits for uranium mining from July 1, 1983 to July 1, 1984. (Enacted 2/24/83.)

Washington

Transportation of Waste, S-3026. Authorizes the chief of the Washington State Patrol to prohibit the transportation of radioactive and hazardous wastes in the State if weather conditions create the potential for a catastrophic accident. (Enacted 5/16/83.)

WPPSS Executive Board, S-3266. Prohibits a member from the Executive Board of WPPSS, who was elected from a Board of Directors, from serving on the Executive Board after ceasing to be on the Board of Directors. (Enacted 5/6/83.)

Storage of Radioactive Waste, S-3273. Creates a Radioactive Waste Commission to oversee the storage of radioactive waste and to consult with the Federal government and other States on interim or permanent storage of radioactive wastes other than low-level. (Enacted 5/13/83.)

Wyoming

Rocky Mountain Interstate Low-Level Waste Compact, H-266. Enacts the Rocky Mountain Interstate Low-Level Radioactive Waste Compact into law and enters the State as a party. (Enacted 2/28/83.)

RESOLUTIONS ADOPTED

Nevada

High-Level Waste, SCR-52. Authorizes the appointment of an interim sub-committee to observe and participate in any study by the U.S. Secretary of Energy of possible sites in the State for a repository for high-level radioactive waste if DOE grants money to the State to participate in the Federal study. The interim sub-committee will study and evaluate 1) the information and policies applicable to the location of a repository in the State, and 2) any potentially adverse consequences which may result from the construction and operation of a repository and ways of mitigating these consequences. A report must be submitted to the 63rd session of the Nevada Legislature with any recommended policies and proposed legislation. (Adopted 5/23/83.)

North Carolina

Decommissioned Submarines, SJR-2H. Urges Congress to direct the Navy to cease plans for the sinking of decommissioned nuclear submarines in the Atlantic Ocean off the coast of North Carolina. Also requests a national ocean use policy with a complete regulatory system. (Adopted 6/17/83.)

Tennessee

Site Cancellations, HR-24. Urges Congress to give special consideration to training and employment activities to those areas in the State which have been affected by TVA nuclear site deferrals or cancellations. It also recommends that additional funding and resources be provided to assist these areas under existing or future Federal programs. (Adopted 5/2/83.)

Clinch River, SJR-40. Urges Congress to continue funding the Clinch River Breeder Reactor. (Adopted 5/17/83.)

Vermont

Decommissioning, HJR-31. Requests the IRS to establish a policy whereby monies collected by a decommissioning fund will not be subject to Federal income taxation. If favorable action is not taken by the IRS, Vermont's congressional delegation is requested to take appropriate legislative action to ensure the establishment of such a policy. (Adopted 4/22/83.)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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